

Aptos cabooses headed 'round the bend

Judge rules woman must move cars from property

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SANTA CRUZ — A Los Barrancos woman Thursday lost her efforts to give her grandchildren three real-life choo-choos to play in.

But Judge Thomas Black ruled that Julie King will not have to pay any penalties for moving two former Santa Fe railroad cabooses onto her property without permits, although she will have to remove them.

"It would be the grossest of injustices to impose the fines and I won't," Black said.

Black could have imposed civil penalties as high as \$30,000 plus \$5,000 a day for the last two years since county employees told King not to relocate the cabooses without getting a permit.

But Black ruled that King acted in good faith, and on the advice of her attorney, former Second District Supervisor Marilyn Liddicoat.

Liddicoat told the court Thursday she had checked with Dan Forbus, her former colleague on the Board of Supervisors, in spring of 1988, on whether King would get a permit to move the three cabooses



Julie King

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on to her oceanfront property.

Forbus had his aide check, Liddicoat said, and told Liddicoat that no permit was required.

Liddicoat compared the cabooses to a bus or camper on private property, or to the heavy-duty equipment that can be moved but spends years sitting out on farms.

Liddicoat said outside of court that "quite frankly, the whole thing is a political vendetta by Robley Levy," who she said has been opposed by King and her husband.

The county's attorney, Dwight Herr, had argued that King did not act in good faith and had even moved in a second caboose a day after the county got an order restraining her from doing so.

In giving his verdict, Black described his own unhappy experiences with the county Planning Department.

"The only people, it seems, who don't like the Planning Department are the peo-

ple who deal with the planning people," he said.

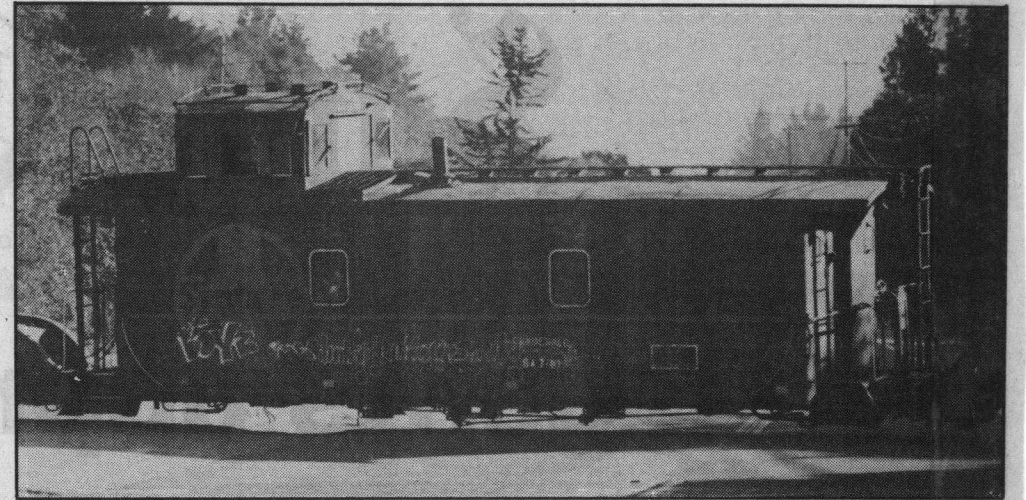
King's application for a permit was denied by the Zoning Administrator and by the county Planning Commission. The Board of Supervisors declined to hear an appeal of those decisions, and the Kings took the matter to court.

So far, King's train trip has been costly. She bought the three cabooses at a cost of \$3,500 each and stored them in Watsonville for nearly three years. A mover quoted her a cost of \$17,000 to move all three, and so far has moved two of them.

And under the judge's ruling, each side must pay its own attorney and court costs. King has had three attorneys in the course of the five-year saga.

Black estimated later that the case cost the county about \$50,000.

Black agreed with King's attorney, Gerald Bowden, and with a judge who previously ruled on the case, that the ordinance



Dan Coyro/Sentinel file

The cabooses were moved without permits in December, 1990.

defining development was "unconstitutionally vague."

And he mentioned the discord raised by the cabooses, which have been denounced by many of King's neighbors as well as by the La Selva Beach Improvement Association. Neighbors say the cabooses have been an attractive nuisance, drawing beachgoers who break windows and hang out there.

Cynthia Passaro said a fence put up around the cabooses has blocked her right-

of-way to the beach, and she's afraid to let her young relatives go past the cabooses because of the people they attract.

"There's a lot of bad blood out in the neighborhood," Black said.

On the advice of her attorney, King and her daughter, who also testified, declined to answer questions as they left the court.

"Let there be peace in the valley," Bowden said, adding that if it weren't for newspapers, the case would never have ended up in court. "... They've got to live there."